1

2

3

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

* * *

4

5

6

7

8

9

HOMER O. REED,

Plaintiff,

v.

PEGGY MARTINEZ, *et al.*,

Defendants.

Case No. 2:15-cv-00142-APG-PAL

**ORDER ACCEPTING REPORT & RECOMMENDATION**

(ECF No. 26)

10      On December 28, 2016, Magistrate Judge Leen recommended that I dismiss the complaint

11   without prejudice due to plaintiff Homer Reed's failure to comply with the court's orders

12   regarding service on the remaining defendant, Peggy Martinez. ECF No. 26.  Reed did not file an

13   objection.  Thus, I am not obligated to conduct a de novo review of the report and

14   recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo

15   determination of those portions of the report or specified proposed findings to which objection is

16   made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the

17   district judge must review the magistrate judge's findings and recommendations de novo *if*

18   *objection is made*, but not otherwise" (emphasis in original)).

19      Judge Leen sets forth the proper legal analysis and factual basis for the decision.

20   Additionally, I note that Judge Leen's report and recommendation was returned in the mail. ECF

21   No. 27.  It appears Reed has failed to comply with Local Rule of Special Proceedings 2-2, which

22   requires a pro se plaintiff in a civil rights case to immediately notify the court of any of change of

23   address.  "Failure to comply with this Rule may result in dismissal of the action with prejudice."

24   LSR 2-2.

25   / / / /

26   / / / /

27   / / / /

28

1         IT IS THEREFORE ORDERED that Judge Leen's report and recommendation **(ECF No.**

2    **26) is accepted** and the complaint **(ECF No. 9) is DISMISSED** without prejudice.  The clerk of

3    court is directed to close this case.

4         DATED this 1st day of February, 2017.

5    

6                             ANDREW P. GORDON
                          UNITED STATES DISTRICT JUDGE

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28